

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

CHAPTER XIXA

JUDGES OF MUNICIPAL COURTS OF RECORD

168.426a Judge of municipal court; nomination and election.

Sec. 426a. In every city having a municipal court of record having general criminal jurisdiction over felonies and having a population of 1,000,000 or more, candidates for the office of a judge of the municipal court shall be nominated at the August primary for state offices and elected at the general election in even years.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965;—Am. 1978, Act 540, Imd. Eff. Dec. 22, 1978.

Popular name: Election Code

168.426b Judge of municipal court; eligibility; violation of MCL 38.412a.

Sec. 426b. (1) A person shall not be eligible to the office of judge of a municipal court of record as described in section 426a unless the person is a registered and qualified elector of the municipality in which election is sought by the filing deadline or the date the person files the affidavit of candidacy, is licensed to practice law in this state, and, at the time of election, is less than 70 years of age.

(2) A person who has been convicted of a violation of section 12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible for election or appointment to the office of judge of a municipal court of record as described in section 426a for a period of 20 years after conviction.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965;—Am. 1982, Act 505, Eff. Mar. 30, 1983;—Am. 1999, Act 218, Eff. Mar. 10, 2000.

Popular name: Election Code

168.426c Candidates for municipal court judge; nomination at general nonpartisan primary election.

Sec. 426c. A general nonpartisan primary election shall be held in every municipality described in section 426a, on the Tuesday succeeding the first Monday in August preceding any general November election, at which judges of the municipal courts of record therein are to be elected; at which time the qualified and registered voters may vote for nonpartisan candidates for the office of judge of such municipal court of record. If, upon the expiration of the time for filing petitions, for the primary election of the municipal judge or judges in any municipality, there are not to exceed twice the number of candidates than persons to be elected, then the city clerk shall certify through the city board of canvassers the names of the candidates for judge of the municipal court of record whose petitions have been properly filed, who shall be the nominees for judges of the municipal court of record and shall be so certified, there shall be no primary election, for this office and it shall be omitted from the official primary ballot.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

Popular name: Election Code

168.426d Judge of municipal court of record; candidate; nominating petitions; signatures, addresses, and dates of signing; incumbent judge as candidate in primary election; affidavit of candidacy; validity of filed petitions; filing for election to more than 1 judgeship; withdrawal; office designation.

Sec. 426d. (1) To obtain the printing of the name of a person on the ballot as a candidate for the office of judge of the municipal court of record, there shall be filed with the city clerk nominating petitions containing the signatures, addresses, and dates of signing of a number of qualified and registered electors residing in that city as determined under section 544f. The city clerk shall receive nominating petitions up to 4 p.m. of the fourteenth Tuesday preceding the August primary. The provisions of sections 544a and 544b apply.

(2) An incumbent judge of the municipal court of record may become a candidate in the primary election for the office of which the judge is the incumbent by filing, with the city clerk, an affidavit of candidacy not less than 134 days before the date of the primary election. The affidavit of candidacy shall contain statements that the affiant is an incumbent judge of the municipal court of record, is domiciled within the city, will not attain the age of 70 by the date of election, and is a candidate for election to the office of judge of the municipal court of record.

(3) Nominating petitions filed under this section are valid only if they clearly indicate for which of the following offices the candidate is filing, consistent with section 426k(3):

- (a) An unspecified existing judgeship for which the incumbent judge is seeking election.
- (b) An unspecified existing judgeship for which the incumbent judge is not seeking election.
- (c) A new judgeship.

(4) A person who files nominating petitions for election to more than 1 municipal court of record judgeship shall have not more than 3 days following the close of filing to withdraw from all but 1 filing.

(5) In a primary and general election for 2 or more judgeships where more than 1 of the categories in subsection (3) could be selected, a candidate shall apply to the bureau of elections for a written statement of office designation to correspond to the judgeship sought by the candidate. The office designation provided by the secretary of state shall be included in the heading of all nominating petitions. Nominating petitions containing an improper office designation are invalid.

(6) The secretary of state shall issue an office designation of incumbent position for any judgeship for which the incumbent judge is eligible to seek reelection. If an incumbent judge does not file an affidavit of candidacy by the deadline, the secretary of state shall notify all candidates for that office that a nonincumbent position exists. All nominating petitions circulated for the nonincumbent position subsequent to the deadline shall bear an office designation of nonincumbent position. All signatures collected prior to the affidavit of candidacy filing deadline may be filed with the nonincumbent nominating petitions.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964;—Am. 1996, Act 583, Eff. Mar. 31, 1997;—Am. 1999, Act 218, Eff. Mar. 10, 2000.

Popular name: Election Code

168.426e Candidates for nomination; affidavit as to eligibility and candidacy.

Sec. 426e. Any candidate for judge of a municipal court of record shall file an affidavit which contains statements that the affiant is domiciled within the municipality; and that he will not attain the age of 70 years by the date of election, and that he is a candidate for the office of municipal judge.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

Popular name: Election Code

168.426f Candidates for judge of municipal court; declaration of nominees; death or disqualification of candidate; certification of nomination.

Sec. 426f. (1) The candidates for the office of judge of the municipal court of record receiving the largest number of votes at any primary election, to a number equal to twice the number of persons to be elected, as set forth in the report of the city canvassers, based on returns from the various local boards of canvassers and election precincts, shall be declared the nominees for the office at the next general election.

(2) If, after the deadline for filing nominating petitions under section 426d, there are fewer candidates for nomination or nominees for the office of judge of a municipal court of record than there are persons to be elected at the general November election because of the death or disqualification of a candidate more than 65 days before the general November election, then a person, whether or not an incumbent, may qualify as a nominee for that office at the general November election by filing nominating petitions as required by section 426d. However, the filing shall be made before 4 p.m. on the twenty-first day following the death or disqualification of the candidate or 4 p.m. on the sixtieth day preceding the general November election, whichever is earlier, and the minimum number of signatures required is 1,000 or 1/2 the minimum number required under section 426d, whichever is less.

(3) The city clerk shall certify the nomination of each person who qualifies as a nominee under subsection (2) to the board of election commissioners of the city for the general November election.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965;—Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

Popular name: Election Code

168.426g Municipal court judges; first general election, terms of office.

Sec. 426g. The first general election of judges of the municipal court of record shall be held in the year 1966. In that election only, the terms of office of the judges shall be as set forth below; in each case beginning at 12 o'clock noon on January 1, 1967.

LENGTH OF TERM OF JUDGES					
No. of Judges	Category A		Category B		Category C
1	6 years				
2	1 judge	6 years	1 judge	8 years	
3	1 judge	6 years	1 judge	8 years	1 judge 10 years
4	2 judges	6 years	1 judge	8 years	1 judge 10 years

5	2 judges	6 years	2 judges	8 years	1 judge	10 years
6	2 judges	6 years	2 judges	8 years	2 judges	10 years
7	3 judges	6 years	2 judges	8 years	2 judges	10 years
8	3 judges	6 years	3 judges	8 years	2 judges	10 years
9	3 judges	6 years	3 judges	8 years	3 judges	10 years
10	4 judges	6 years	3 judges	8 years	3 judges	10 years
11	4 judges	6 years	4 judges	8 years	3 judges	10 years
12	4 judges	6 years	4 judges	8 years	4 judges	10 years
13	5 judges	6 years	4 judges	8 years	4 judges	10 years
14	5 judges	6 years	5 judges	8 years	4 judges	10 years
15	5 judges	6 years	5 judges	8 years	5 judges	10 years

The length of term of each elected judge shall be based on the number of votes received by each, those highest on the list respectively filling the 10-year terms as specified in category C, the next highest below category C filling the 8-year terms under category B, and the remainder 6-year terms under category A.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

Popular name: Election Code

168.426h Municipal court judges; 1966 general election, judges on separate judicial ballot, terms of office.

Sec. 426h. In any municipal court of record which has a separate traffic and ordinance division, the judges of which run separately on judicial ballot from the other judges of the court, the terms of office of such judges elected in 1966 only shall follow the same pattern, though under separate schedule to that set up in section 426g for the other judges of the municipal court of record.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

Popular name: Election Code

168.426i Judge of municipal court; election; death or disqualification of nominee.

Sec. 426i. (1) Except as otherwise provided in this section, subsequent elections for judges of a municipal court of record shall be held at the general November election immediately prior to the expiration of the term of each judge.

(2) If there are fewer nominees for the office of judge of a municipal court of record than there are persons to be elected at the general November election because of the death or disqualification of a nominee less than 66 days before the general November election, then a person shall not be elected at that general November election to any office of judge of the municipal court of record for which there is no nominee.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965;—Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

Popular name: Election Code

168.426j Municipal court judges; terms of office.

Sec. 426j. With the exception of the terms of the judges elected in 1966 to terms specified in categories C and B, the terms of office for judges of municipal courts of record shall be 6 years, commencing at noon on January 1 next following election and shall continue until successors shall have been elected and qualified.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

Popular name: Election Code

168.426k Primary and general election; incumbent judge as candidate; printing designation of office on ballot; 2 or more judgeships; listing categories of candidates on ballot; death or disqualification of incumbent judge; application of subsection (3).

Sec. 426k. (1) In the primary and general election for a judge of the municipal court of record, an incumbent judge who is a candidate shall have printed upon the ballot under the name of the candidate the designation of that office.

(2) In the primary and general election for 2 or more judgeships of the municipal court of record, each of the following categories of candidates shall be listed separately on the ballot, consistent with subsection (3):

(a) The names of candidates for the judgeship or judgeships for which the incumbent is seeking election.

(b) The names of candidates for an existing judgeship or judgeships for which the incumbent is not seeking election.

(c) The names of candidates for a newly created judgeship or judgeships.

(3) If the death or disqualification of an incumbent judge triggers the application of section 426f(2), then for the purposes of subsection (2) and section 426d(3), that judgeship shall be regarded as a judgeship for

which the incumbent judge is not seeking election. The application of this subsection includes, but is not limited to, circumstances in which the governor appoints an individual to fill the vacancy and that individual seeks to qualify as a nominee under section 426f(2).

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965;—Am. 1970, Act 10, Imd. Eff. Mar. 31, 1970;—Am. 1982, Act 149, Imd. Eff. May 6, 1982;—Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

Popular name: Election Code

168.426/ Municipal court judges; certificate of determination by city board of canvassers.

Sec. 426l. The city board of canvassers shall determine which candidates for judge of the municipal court of record received the highest number of votes and on that basis shall declare the candidates duly elected, specifying the terms to which each was elected. The board shall forthwith make and subscribe on its statements of returns a certificate of such determination and deliver it to the city clerk.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

Popular name: Election Code

168.426m Municipal court judges; certificate of election.

Sec. 426m. The city clerk shall file in his office and preserve the results of such election and cause to be delivered to the persons declared to be elected to the office of judge of the municipal court of record certificates of election certified by him.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

Popular name: Election Code

168.426n Municipal court judges; oath of office.

Sec. 426n. Every person elected to the office of judge of the municipal court of record, before entering upon the duties of such office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution and file same with the city clerk and a copy with the court administrator.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

Popular name: Election Code